



Department of Energy

ROCKY FLATS PROJECT OFFICE
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DEC 22 2005

05-DOE-00651

Mr. Mark Aguilar
Rocky Flats Cleanup Agreement Team Lead
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Mr. Carl Spreng
Rocky Flats Cleanup Agreement Project Coordinator
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Dear Gentlemen:

As you are aware, activities related to the cleanup and closure of the Rocky Flats Environmental Technology Site (Site), performed under the auspices of the Rocky Flats Cleanup Agreement (RFCA) are nearly complete. Remaining activities include primarily the finalization of regulatory documents that will lead to the Corrective Action Decision/Record of Decision (CAD/ROD) for the Site, the negotiation of a post-RFCA regulatory agreement to implement the terms of the CAD/ROD, and ongoing environmental monitoring and Site maintenance. In light of this transition, the U.S. Department of Energy (DOE) believes that it is appropriate to review and refine its reporting requirements under RFCA, to correspond to current conditions.

In general, DOE believes that it is appropriate to limit the required reporting under RFCA to environmental data and information on relevant Site conditions, such as results of inspections and maintenance actions on the remedy. The DOE proposes that this information be reported quarterly to the RFCA parties and to the community in the form of a data summary, and yearly in the form of an annual report, with the first quarterly summary to be produced in January 2006, and the annual report to be delivered in May 2006. The Integrated Surveillance and Maintenance Plan (ISMP), currently being produced by the DOE's Office of Legacy Management, will provide the basis for the information to be provided in the quarterly data summaries and annual report. The ISMP in turn incorporates current Site operational documents, notably the most recent update to the Integrated Monitoring Plan.

The DOE further proposes that other documents required under RFCA be either discontinued altogether, or be subsumed under the reporting regime already described. One exception to this would be the production of remedial action decision documents, which would be produced per Part 10 of RFCA, should the CAD/ROD indicate the need for additional remedial actions at the Site. In addition, elevated levels in environmental

ADMIN RECORD

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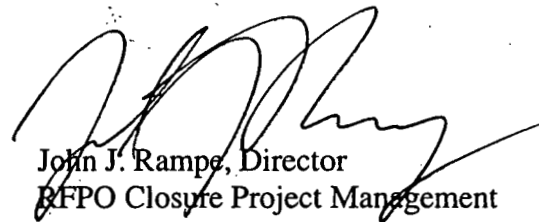
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data will continue to be reported per the requirements of RFCA Attachment 5. A table of current RFCA document and reporting requirements and their proposed disposition is enclosed for your review and comment. The DOE anticipates that longer-term document and reporting requirements will be incorporated into the post-RFCA regulatory agreement, and will be implemented when that agreement is signed.

The DOE requests that you review and provide concurrence with our proposal at your earliest convenience.

If you have questions or comments regarding this proposal, please call me at (303) 966-6246.

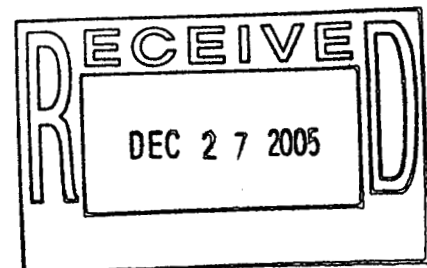
Sincerely,



John J. Rampe, Director
RFPO Closure Project Management

Enclosure

cc w/Encl.:
F. Lockhart, OOM, RFPO
S. Surovchak, LM, DOE
D. Shelton, K-H
S. Marutzky, S.M. Stoller
R. Darr, S.M. Stoller
Administrative Record



Enclosure: Proposed disposition of major document and reporting requirements under RFCA

<u>Nature of RFCA requirement</u>	<u>Proposed disposition</u>
Part 1, Jurisdiction, paragraph 5: Annual review of new and revised requirements, to determine if an amendment to RFCA is necessary.	Discontinue; no longer necessary, since Applicable or Relevant and Appropriate Requirements are being determined as part of the CAD/ROD process.
Part 7, Consultation and Project Coordination, paragraph 58: Changes to internal organization and/or Project Coordinator.	The RFCA Parties will continue to notify one another as to significant changes in organization and changes to designated Project Coordinators.
Part 7, paragraph 76: Develop and finalize the Integrated Water Management Plan.	No further revisions to the Plan are anticipated; Site water management procedures, such as the Pond Operations Plan, are being incorporated into the ISMP.
Part 8, Regulatory Approach, paragraph 78: Prepare guidelines for reviewing documents and proposed work; resulted in preparation of the Implementation Guidance Document (IGD).	No further updates to the IGD will be produced.
Part 8, paragraph 79: Produce and update annually an Individual Hazardous Substance Site (IHSS) ranking.	Discontinue, as all IHSS's have been dispositioned, pending the results of the CAD/ROD.
Part 9, Review and Approval of Documents and Work, paragraph 92: Provide notifications to regulators of changes in work scope that may produce milestone modifications.	Discontinue; no longer relevant.
Part 9, paragraph 119: Produce an annual update to the Historical Release Report (HRR).	The HRR update provided to the regulators in October 2005 will be the last one produced.
Part 9, paragraph 122: Provide a quarterly update to the list of documents contained in RFCA Attachment 12.	Attachment 12 will be updated as needed to reflect approval of documents leading to the CAD/ROD.
Part 11, Budget and Work Planning: This Part contains numerous requirements relating to establishment of target activities, establishment and reporting on milestones, and reporting on budgets, funding levels and baselines.	Discontinue, as these are no longer relevant in the context of RFCA activities. Discussions of budgets and funding levels may be appropriate for long-term, post-closure activities, and will be considered as part of the post-RFCA regulatory agreement.
Part 20, Periodic Review, paragraph 254: The regulators will review remedial actions that result in contaminants remaining on	Periodic reviews will be conducted as required, although none are anticipated to occur within the time that RFCA is still in effect.

Site no less often than every five years.	
Part 20, paragraph 257: Parties will assess RFCA implementation biannually beginning in 1998.	No further assessment of RFCA is needed given project completion.
Part 21, Reporting, paragraph 262: Provide the regulators with a quarterly progress report describing implementation of RFCA activities.	No further quarterly reports will be provided; relevant information on site activities will be contained in quarterly data summaries as needed.
Part 23, Sampling and Data/Document Availability, paragraph 267: Establish and update the Integrated Monitoring Plan (IMP).	The final update to the IMP was produced in October 2005. Further updates to monitoring plans will be incorporated as updates to the ISMP, although minimal (if any) changes to the environmental monitoring regime are expected while RFCA is still in effect.
Part 23, paragraph 270: Establish protocols for data exchanges with Westminster and Broomfield.	Quarterly data summaries will continue to be provided to the communities pursuant to the reporting that will be conducted under the ISMP.
Part 27, Participation by Local Elected Officials and the Public/Administrative Record, paragraph 281: Review and revise the Rocky Flats Sitewide Public Involvement Plan (SWPIP) annually.	The final revision of the RFCA SWPIP was produced in 2005, and will not be updated further. The DOE Office of Legacy Management has drafted a Post-Closure Public Involvement Plan that will be administered pursuant to the post-RFCA regulatory agreement.
Part 27, paragraph 282: Provide press releases to RFCA parties prior to release.	This practice will continue.
Attachment 4, Environmental Restoration (ER) Ranking: Provide an annual update to the ER Ranking.	Discontinue; no longer relevant, since remedial actions have been completed, pending the results of the CAD/ROD.
Attachment 5, Action Levels and Standards Framework for Surface Water, Groundwater and Soils: Submit annual and quarterly groundwater monitoring reports	This will be subsumed within the ongoing reporting pursuant to the ISMP.